

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF MISSISSIPPI NORTHERN DIVISION

JEFFERY A. STALLWORTH

PLAINTIFF

VS.

CIVIL NO.: 3:16-cv-246-CWR-FKB

GOVERNOR DEWEY PHILLIP "PHIL"  
BRYANT, ET AL.

DEFENDANTS

and

TONY T. YARBER, Mayor of the City of  
Jackson, Mississippi, on behalf of the Citizens  
of the City of Jackson, ET AL.

PLAINTIFFS

VS.

CIVIL NO.: 3:16-CV-246-CWR-FKB

PHIL BRYANT, in his official capacity as governor  
of the State of Mississippi, ET AL.

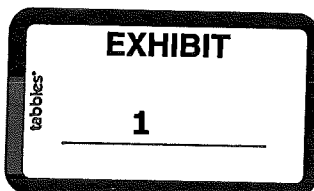
DEFENDANTS

**OBJECTIONS TO JACKSON MUNICIPAL AIRPORT  
AUTHORITY'S SUBPOENAE DUCES TECUM**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure third parties Josh Harkins, Dean Kirby, Phillip Moran, Chris Caughman, Nickey Browning, John A. Polk, Mark Baker, and Alex Monsour (collectively "Legislators") state their Objections to Jackson Municipal Airport Authority's Subpoenae Duces Tecum as follows:

**Request No. 1:** Any and all documents, including but not limited to, studies, analyses, reviews, comparisons, correspondence, and reports prepared or otherwise created during the last five (5) years regarding or related in any way to the Jackson Municipal Airport Authority's performance in managing the Jackson-Medgar Evers International Airport.

**Response No. 1:** Legislators object to Request No. 1 as vague, unduly burdensome, and overly broad. Request No. 1 seeks documents not relevant to Jackson Municipal Airport Authority's ("JMAA's") claims in this lawsuit and is not proportional to the needs of the case.



Legislators further object to Request No. 1 because it requests documents from legislative actors that pertain to their legislative activities and are integral to the legislative procedure. Such documents are made privileged by the legislative privilege. With regard to the state law claims asserted by JMAA, the legislators enjoy absolute immunity. *Bond v. Marion County Bd. of Sup'rs*, 807 So. 2d 1208, 1220-21 (Miss. 2001). JMAA lacks standing to compel production of evidence regarding Counts VII and VIII, the only federal claims in this action, because it has not joined them. In any event, the Supreme Court of the United States has declared that legislative privilege will ordinarily apply even where discriminatory intent is alleged. *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 268 (1977). Courts of Appeals have recognized absolute legislative privilege even with regard to statutory claims authorized by Congress. *Equal Employment Opportunity Comm'n v. Washington Suburban San. Comm'n*, 631 F. 3d 174, 180-81 (4th Cir. 2011); *In re Hubbard*, 803 F. 3d 1298, 1307-11 (11th Cir. 2015), citing *Branch v. Phillips Petroleum Co.*, 638 F. 2d 873 (5th Cir. 1981). No plaintiff relies on any act of Congress in support of any claim or the attempt to compel production from the legislators.

**Request No. 2:** Any and all documents, including, but not limited to, studies, analyses, reviews, comparisons, correspondence, and reports prepared or otherwise created and relied upon by members of the Mississippi legislature in introducing and passing Senate Bill 2162.

**Response No. 2:** Response No. 1 is incorporated herein by reference.

**Request No. 3:** Any and all documents, including but not limited to, email communications and text messages and any documents attached thereto (stored or otherwise) exchanged by (sent to and/or from) you and any person, including members of the Mississippi legislature and any governmental agency, body or its representative(s) regarding Senate Bill 2162 and/ or the Jackson-Medgar Evers International Airport from January 1, 2014 to present.

The responsive information is requested to be produced on a disk, in single page Tiff files, a summation load file, and OCR.

**Response No. 3:** Response No. 1 is incorporated herein by reference. The legislators further object that JMAA seeks production of materials in more than one form, contrary to the provisions of Fed. R. Civ. P. 45(e)(1)(C).

Dated this the 21<sup>st</sup> day of March, 2017.

Respectfully submitted,

JOSH HARKINS, DEAN KIRBY, PHILLIP MORAN,  
CHRIS CAUGHMAN, NICKEY BROWNING, JOHN A.  
POLK, MARK BAKER, and ALEX MONSOUR

By: Michael B. Wallace  
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**CERTIFICATE OF SERVICE**

I, Michael B. Wallace, do hereby certify that I have this day served the foregoing pleading or other paper to the following counsel of record:

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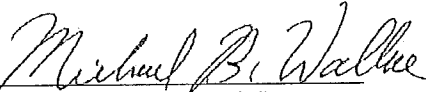
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THIS, the 21<sup>ST</sup> day of March, 2017.

  
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